



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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DENVER, CO 80202
Phone 800-227-8917

<http://www.epa.gov/region08/pretreatment>

November 5, 2010

Ref: 8P-W-WW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mike Gaviotis
Wastewater Superintendent
City of Rock Springs
212 D Street
Rock Springs, WY 82901

Re: EPA Pretreatment Audit - NPDES No: WY-0022357

Dear Mr. Gaviotis:

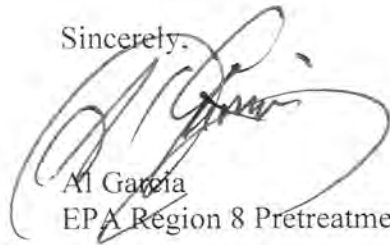
The Environmental Protection Agency (EPA) Permits and Enforcement Units conducted a joint audit and Pretreatment Compliance Inspection (PCI) of the Pretreatment program administered by the City of Rock Springs (City) in Wyoming from August 9, 2010 through August 12, 2010.

The intent of an EPA audit is to evaluate local Pretreatment programs and identify areas for improvement to build or maintain strong and effective local programs in Region 8. The audit focused on the Pretreatment building blocks: legal authority, local limits, industrial user inventory and characterization, quality of permits, sampling, inspections, and enforcement. In addition, the audit served as a forum for EPA and the City to discuss the implementation of the Pretreatment regulations and for EPA to provide outreach, education, and training.

The audit/PCI report contains required actions and recommendations associated with the above-mentioned programmatic areas to ensure the City is adequately implementing and enforcing its program, in accordance with EPA regulations. Table 1 of the report is a listing of required actions to be addressed by the City, based on audit findings. The City is required to provide specific corrective action dates for completing the required actions in Table 1, and submit this information to my office within thirty (30) days of receipt of this report. In addition to the required actions, recommendations that the City should review and address are included in the report. Please cc: Aaron Urdiales, EPA Region 8 NPDES Enforcement Unit on all correspondence related to this audit/PCI report.

I want to thank you and your staff for the time and information provided during the audit of the Pretreatment program. If you have any questions regarding the audit report or follow up action items, please contact me at 303.312.6382 or email at garcia.al@epa.gov.

Sincerely,



Al Garcia
EPA Region 8 Pretreatment Coordinator

RECEIVED

NOV 15 2010

Office of Enforcement
Compliance & Environmental Justice

Encl:

City of Rock Springs Legal Authority Review, August 2010
EPA Model Pretreatment Ordinance, January 2007, EPA-833-B-06-002
Region VIII Strategy for Defining and Processing Approved Program Modifications, June 1999
Digital Camera Guidance for EPA Civil Investigations and Inspections, July 2006: EPA-305-F-06-002

cc: Randy Conner, Pretreatment Coordinator, City of Rock Springs
Aaron Urdiales, USEPA Region 8, Enforcement Unit, w/o attachments
Stephanie Gieck, USEPA Region 8, Enforcement Unit, w/o attachments



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Pretreatment Audit - Performance Compliance Inspection Report

City of Rock Springs, WY

August 9-12, 2010



Prepared by:

**Al Garcia, Pretreatment Coordinator
U.S. Environmental Protection Agency, Region 8
Pretreatment Program (8P-W-WW)**

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Denver, CO 80202
303.312.6382
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TABLE 1
SUMMARY OF REQUIRED ACTIONS

Pretreatment Audit

City of Rock Springs, WY

WY-0022357

August 9-12, 2010

Required Action	Corrective Action Date
<p>1. The City of Rock Springs is required to update the Pretreatment legal authority found in Article 7-4 of the City's Ordinance. Specific areas of the legal authority that should be updated are identified in the City of Rock Springs Legal Authority Review attached to this report and an overview is provided below:</p> <p>a. The following sections of Article 7-4 of the city ordinance need to be updated or language added to align with Federal Regulations:</p> <ul style="list-style-type: none"> i. Definitions, ii. General/Specific Prohibitions, including Pass-through and Fire/Explosion hazard, iii. Establishing Best Management Practices as enforceable Pretreatment Standards, iv. Require compliance with applicable pretreatment standards and requirements by industrial users, v. Permit Conditions, including additional monitoring to be reported, vi. Recordkeeping requirements, vii. Right of Entry procedures, and viii. Confidential information. <p>(Section 4.0)</p>	<p>June 30, 2010</p>
<p>2. The City of Rock Springs is required to update their local limits based upon both an adequate data set and the maximum loading of pollutants that can be accepted by their POTW, based on criteria established by their NPDES permit, biosolids regulations, worker health and safety, water quality standards, human health criteria, drinking water standards, and other local concerns.</p> <p>(Section 5.0)</p>	<p>June 30, 2010</p>

3. The City of Rock Springs is required to evaluate and update its current data evaluation procedures and tools to ensure the City consistently identifies violations of permit limits and conditions.

(Section 6.0)

4. The City of Rock Springs is required to compile its IU information, including characterization/categorization of the IUs, into an inventory. This information should include the type of business and its status under the Pretreatment program. The inventory could be paper, spreadsheet or some other form of database that is accessible to EPA and provides an overview of the IUs in the City's service area.

(Section 7.0)

5. The City of Rock Springs is required to re-evaluate its industrial user inventory to determine any potential Industrial User contributors to the significant H₂S levels currently found at the POTW.

(Section 7.0)

6. The City of Rock Springs is required to correct the following deficiencies on the permit template:

- a. The permit template incorrectly states in Part III, 4(F) that a late report is a significant noncompliance violation subject to administrative penalties and possible escalating enforcement actions for each day the report is late. However, the ordinance, Article 7-403, section 27-02(f) states that an SNC criteria is a report that is 30 days late or past its due date. The City of Rock Springs is required to correct this permit condition in the permit template.
- b. The permit template does not require the permitted SIU to sign and date the IU Self Sampling Reporting Form as a permit condition. The City of Rock Springs needs to ensure signature and date of the self-monitoring report are included as permit reporting conditions.
- c. The City of Rock Springs is required to ensure the reporting certification statement contained in the IU Self Sampling Reporting Form and required in the permit template is equivalent to the statement found in 403.6(a)(2)(ii) of the General Pretreatment regulations.

(Section 8.0)

7. The City of Rock Springs is required to ensure the issued Pretreatment permits are signed by the authorized signatory with the proper delegation.

(Section 8.0)

8. The City of Rock Springs is required to address the following items in the Tri-Mac Transportation permit:

- a. The permit application is not date stamped. The City is required to ensure that all documents are date stamped or a record of receipt is included. This is important to determine if the permitted SIUs or IUs met the applicable reporting requirements and deadlines.
- b. Based on the review of the permit records, there were 17 violations from 2009-2010 not addressed by the City. The failure to enforce these Pretreatment Standards is a significant failure to implement the Pretreatment Regulations. The City is required to ensure all violations of permit conditions are identified and appropriately responded to, as required in the City's Enforcement Response Plan.

(Section 8.0)

9. The City of Rock Springs is required to address the following items in the Weatherford permit, in the facility records, at the permitted facility:

- a. The facility had a copper violation on June 3, 2009. The sample result was 1.57 mg/L and the permit limit is 1.06 mg/L. EPA found no documentation that the facility reported this violation within 24 hours or submitted a written report within 5 days, all violations of permit conditions. There was documentation of a phone call on July 27, 2009 documenting a copper resampling event on July 21, 2009, the results of which were below the permit limit at 0.16 mg/L. This was also documented in a September 8, 2009 letter from Weatherford. EPA did not find records of follow up enforcement by the City.
- b. A December 23, 2009 self-monitoring sample for total petroleum hydrocarbons (TPH) was collected in a plastic container, which is not in conformance with 40 CFR Part 136 methods, a condition of the permit. EPA found no records indicating that Weatherford documented the sample time or sample type (grab or composite).
- c. Monitoring of the Weatherford discharge by the City on July 15, 2009 had unclear and incomplete documentation on the chain-of-custody. All samples were marked as being unfiltered/unpreserved and unfiltered/preserved. Beryllium, selenium, and zinc were analyzed from this sampling event according to laboratory records, but these metals were not indicated on the chain-of-custody. The City is required to update sampling procedures to create adequate sampling records.
- d. During the inspection, it was noted the parts washer and

<p>antifreeze supply were not spill contained and there were evidence of spills. Spills from these locations will enter the trench drain leading to the waste treatment system. The City is required to evaluate the spill containment of these locations and require the facility to provide appropriate spill containment equipment or measures.</p> <p>e. During the inspection, the hoses from the wastewater treatment system were significantly leaking and there was evidence of a significant lack of proper operations and maintenance of the system. The City is required to evaluate this lack of proper operations and maintenance and determine the appropriate enforcement response, if necessary.</p> <p>(Sections 6.0, 8.0, 9.0, and 10.0)</p>	
<p>10. The City of Rock Springs is required to address the following items in the Haliburton Energy Services permit and in the facility file:</p> <p>a. Haliburton had a violation for late submittal of its required self monitoring report for September, 2009. Haliburton collected samples on August 20, 2009, however the sample results were not provided to the City until October 2, 2009. The City had not identified the submittal as a violation of the reporting requirements. The City is required to evaluate the appropriate enforcement for violations of these permit conditions, as required in the enforcement response plan .</p> <p>(Section 8.0)</p>	
<p>11. The City of Rock Springs is required to address the following items in the Terracon RS-3 permit and in the facility file:</p> <p>a. The facility failed to provide lab certification in the self monitoring reports dated January 9, 2010 and October 9, 2009, which is a reporting violation of the permit.</p> <p>b. The Terracon RS-3 permit establishes an LEL Limit of 5%. This permit limit is not adopted into the City's municipal ordinance. The City is required to ensure that permit-specific limits follow the same public notice and Approval Authority notification as local limits established in the municipal ordinance. These procedures will ensure the any limits incorporated or established in a permit are legally enforceable.</p> <p>(Section 8.0)</p>	
<p>12. The City of Rock Springs is required to address the following items in the Sweetwater County Hospital permit and in the facility records:</p> <p>a. The fact sheet/rationale for the permit dated September 14, 2004 states that the facility has been downgraded to a permitted IU</p>	

- because of flow; however, the facility is reported as an SIU on the Annual Report.
- b. The permit indicated a slug control plan was developed for the facility, however, no document was found in the permit records.
 - c. For samples collected by the City, sampling types and techniques at Sweetwater County Hospital appear to be different than those required by permit. The City should collect the same type of sample as required in the permit. The permit requires composite samples for BOD, TSS, chloride, and metals, and during the April 21, 2009 sampling event, grab samples were collected. In addition, there was unclear documentation on the chain-of-custody. All samples were marked as being unfiltered/unpreserved and unfiltered/preserved. The City is required to update sampling procedures to create adequate sampling records.
 - d. The City is required to evaluate the appropriate enforcement, as required in the enforcement response plan for the following situations:
 - i. The permit expired on May 19, 2010 and has not been administratively extended by the City. The facility failed to submit a permit application and is discharging without a valid permit, which EPA considers to be significant violations.
 - ii. The facility is required by permit to sample for BTEX, oil and grease, and total petroleum hydrocarbons twice a year; however, there was no data for self-monitoring of these pollutants in 2009. The facility failed to sample for these pollutants. EPA did not find evidence of an enforcement response.
 - iii. The facility submitted a late report on April 13, 2009 after the report deadline of April 10, 2009, in violation of permit conditions. EPA did not find evidence of an enforcement response.
 - iv. The facility had a chloride violation on March 24, 2009 with a sample of result of 10,200 mg/L. The permit limit was 5,281 mg/L. There was one other chloride sample collected during the six month time period of the 4th quarter of 2008 and the 1st quarter of 2009, which was below the permit limit. This resulted in the facility being in significant non-compliance for the TRC criteria [40 CFR 403.8(f)(2)(viii)(B)]. In addition, the facility failed to provide 24 hour notice of violations, as required in the permit. EPA did not find records of SNC or enforcement follow up.

(Sections 8.0 and 10.0)	
<p>13. The City of Rock Springs is required to ensure the completed inspection reports are consistently signed and dated.</p> <p>(Section 9.0)</p>	
<p>14. The City of Rock Springs did not sample its permitted SIUs in 2008. The failure to sample its permitted SIUs in 2008 to identify non-compliance with Pretreatment Standards, independent of information supplied by IUs, is a significant deficiency and failure to implement the Pretreatment Regulations.</p> <p>(Section 10.0)</p>	
<p>15. The City of Rock Springs is required to ensure the control authority sampling events are adequately documented. EPA strongly recommends the City utilize a bound and numbered field book to document sampling events and field data and comments generated from the sampling event.</p> <p>(Section 10.0)</p>	
<p>16. The City of Rock Springs is required to update the definition of SNC and SNC criteria within the Enforcement Response Plan. In addition, the City should re-evaluate the procedures within the Enforcement Response Plan when the municipal ordinance is updated.</p> <p>(Section 11.0)</p>	
<p>17. The City of Rock Springs is required to ensure that SNC calculations are performed consistently and permitted facilities in SNC are appropriately enforced, as required in the Enforcement Response Plan. The City is required to develop SNC procedures per 40 CFR 403.8(f)(viii) and ensure these procedures are determined consistently such that they include at least an annual provision for SNC publication.</p> <p>(Sections 6.0 and 11.0)</p>	

In addition to the required items contained in Enclosure 1, additional recommended actions are identified within the Audit Report and Legal Authority Review. The items listed above are the highest priority items that the City is required to address. The City is required to provide specific corrective action dates with the required actions to my office within thirty days of receipt of the audit report. Please copy Aaron Urdiales, NPDES Enforcement Unit on all correspondence related to this audit report:

Aaron Urdiales
NPDES Enforcement Unit – (8-ENF-W-NP)
EPA Region 8
1595 Wynkoop
Denver, CO 80202

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Acronyms Used in this Report:

BMP	Best Management Practice(s)
BOD	Biochemical Oxygen Demand
CIU	Categorical Industrial User
EPA	U.S. Environmental Protection Agency, Region 8
ERP	Enforcement Response Plan
IGA	Intergovernmental Agreement
IU	Industrial User
IWS	Industrial Waste Survey
MAHL	Maximum Allowable Headworks Loading
MAIL	Maximum Allowable Industrial Loading
POTW	Publicly Owned Treatment Works
SIU	Significant Industrial User
SMR	Self-Monitoring Compliance Report
SNC	Significant Non-Compliance
TSS	Total Suspended Solids
PCI	Pretreatment Compliance Inspection

Section 1.0 – Introduction

The Environmental Protection Agency (EPA) Permits and Enforcement Units conducted a joint audit and Pretreatment Compliance Inspection (PCI) of the Pretreatment program administered by the City of Rock Springs (City) in Wyoming from August 9 to August 12, 2010. The exit interview was held on August 12, 2010 in which EPA presented preliminary findings and conclusion from the combined audit and PCI to the City.

Participants in the audit included:

City of Rock Springs, WY:

Randy Conner	Pretreatment Coordinator
Brian Leum	Collections/Assistant Pretreatment Coordinator
Steven Rech	Collections Operator
Nick Seals	Collections Operator
Shane Sweeney	Chief Operator (POTW tour)
Paula Ortega	Laboratory
Mike Gaviotis	WWTP Superintendent

EPA:

Al Garcia	Region 8 Pretreatment Coordinator (Permits Unit)
Aaron Urdiales	NPDES Enforcement Unit
Stephanie Gieck	NPDES Enforcement Unit

The primary purpose of the combined audit/PCI is to evaluate the Pretreatment program administered and implemented by the City. In addition, the audit served as a forum for EPA and the City to discuss issues related to the implementation of the Pretreatment program, such as local limits development. Also, the audit provided EPA an opportunity to provide outreach and training to the City. The EPA audit/PCI consisted of the following procedures:

- Review of the City's legal authority and local limits (codified in the City's municipal ordinance, Article 7-4, Plumbing and Sewer Code),
- Review of the City's intergovernmental agreements with outside contributing jurisdictions, located outside the City's jurisdictional boundaries,
- Review and evaluation of implementation policies and templates developed by the City,
- Evaluation of the Enforcement Response Plan and compliance evaluation and response,
- Review of the Industrial Waste Inventory and Characterization procedures,
- Review and evaluation of the Pretreatment programmatic activities and records maintained for the permitted Significant Industrial Users (SIUs),
- Site inspections of selected IUs in the service area,
- Discussion of Pretreatment regulations and related implementation areas,
- POTW site visit

The following sections of the report highlight the major findings and required or recommended actions of the audit/PCI. Required action items to correct the program deficiencies and meet regulatory requirements are identified in Table 1. Specific actions to clarify and strengthen program implementation are provided as recommendations within the body of the audit report.

Section 2.0 – POTW Information

2.1 – POTW processes

The City owns and operates a Publicly Owned Treatment Works (POTW) located at 212 D Street. The POTW serves the boundary of the City's service area and outside contributing jurisdictions. The City also provides sanitary sewer service to the White Mountain Water and Sewer Sanitation City and the Clearview Improvement and Service City. The service areas for Rock Springs and White Mountain Water and Sewer Sanitation City are shown in Figures 1 and 2.

An inspection of the POTW was performed by the NPDES Enforcement unit and the results will be included in a separate report, however a description of the plant operations and processes are included to gather information regarding potential impact of industrial wastewater contribution. The POTW tour was provided by Shane Sweeney, Chief Wastewater Operator. The POTW is a secondary mechanical plant that utilizes UV disinfection and the cannibal process to manage treatment solids generated by the POTW. The POTW's process schematic flow diagram is shown in Figure 3 and the aerial view is shown in Figure 4.

The wastewater generated from the service area served by the POTW enters into the Headworks building. The City has designated a septic hauler receiving station near the Headworks building. The septic received at this location also flows into the Headworks building. In addition, an RV dump is located outside of the POTW boundary. (identified in Figure 4)

The influent is lifted to the wet well, which has a capacity of 10 million gallons per day. The wastewater is then pumped from the pump house and split into either the orbital oxidation ditch or the two raceway oxidation ditches. The effluent from the oxidation ditches are sent to the secondary clarifiers. The effluent from the secondary clarifiers are either sent to the UV disinfection building or returned as activated sludge (RAS) back to the oxidation ditches. The screened RAS is sent to the 2 interchange tanks (cannibal process) for solids management. The wastewater is UV disinfected and discharged to Bitter Creek. Approximately 500,000 gpd of the UV-treated effluent is routed to the tertiary treatment plant for further treatment and reuse.

2.2 – H₂S Interference

Based on observations and information gathered during the audit, the City's POTW is experiencing significant issues with H₂S. The formation of H₂S at the headworks and in the interchange tanks for the cannibal process results in levels that are impacting worker health and safety. During the POTW tour, the H₂S levels in the Headworks building were above safe worker health and safety limits and we were not able to enter the Headworks building to view the processes. According to Mr. Sweeney, the formation of H₂S in the Headworks building is a routine occurrence. The City has incorporated alarms and safety procedures at the Headworks building for its workers to account for these H₂S levels.

According to Mr. Conner, the City believes the H₂S at the POTW is a result of jetting in the

service area. The City took over the maintenance of the service area from the County and as a result, has uncovered areas within the City that have not been maintained. The City believes the residual solids and bacteria located in these previously unmaintained areas are the sole contributor to the H₂S levels seen at the POTW.

2.3 – Design Capacities

Table 2 lists the design capacities for the City's POTW that was submitted in the 2009 Annual Report to EPA. The average BOD and TSS loadings were calculated using the average flow and average BOD and TSS data from 2007 – 2009.

Table 2 – Design Capacities for the City of Rock Springs POTW	
Pollutant	Design Capacity
Organic (BOD)	9,808
Total Suspended Solids	8,056
Total Ammonia	1,261
Flow	4.2

The 2009 Annual Pretreatment Report to EPA states that the City has three significant industrial users (SIUs) and ten industrial users (IUs) under control mechanisms. The City does not have any IUs that are subject to categorical Pretreatment Standards. The City reports a total SIU flow of 0.0093 MGD or 1.37% industrial flow contribution to the POTW and a commercial flow contribution of 0.033 MGD.

Action Items:

1. none

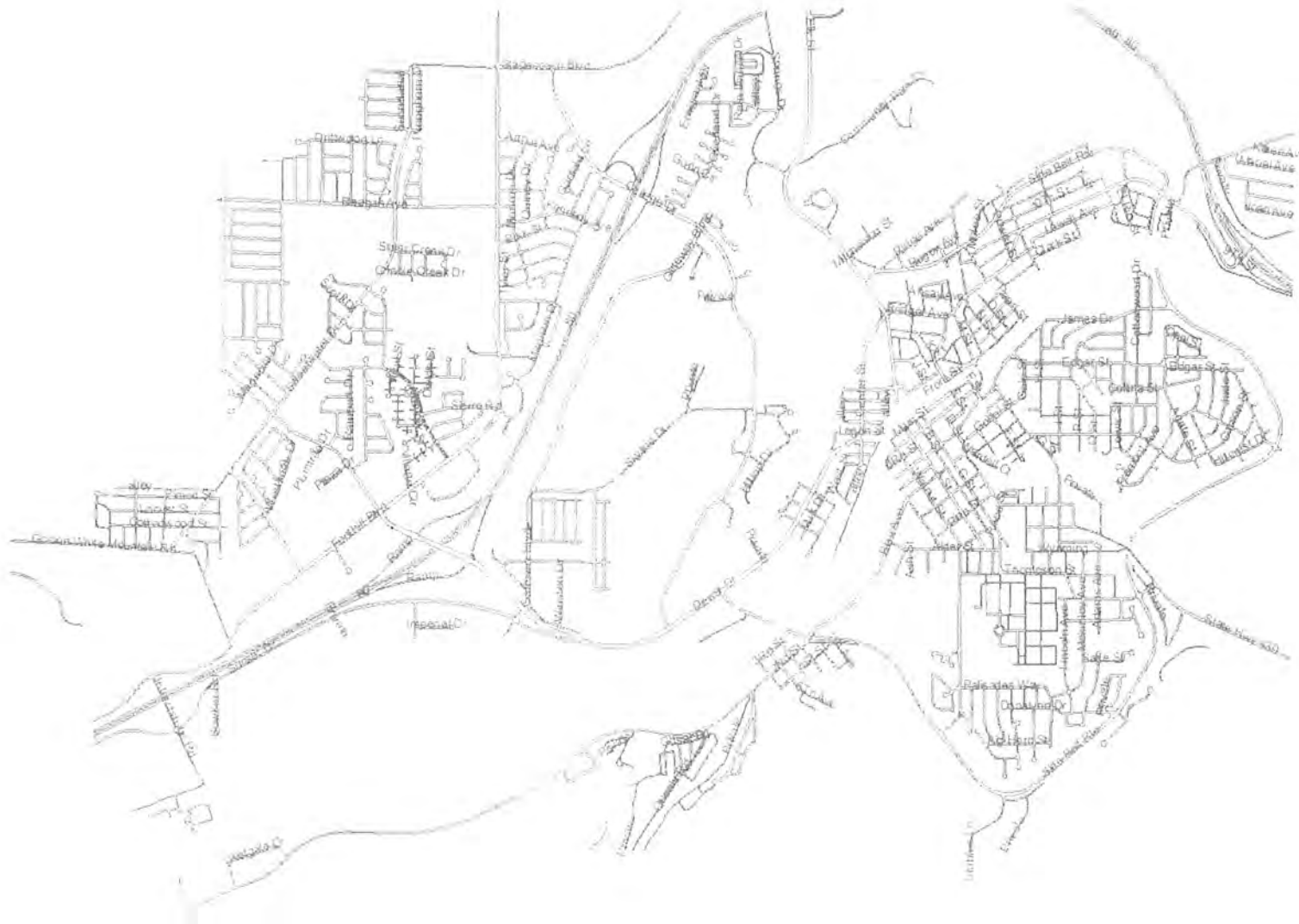


Figure 1 - City of Rock Springs Service Area



Figure 2 - White Mountain Water and Sewer Sanitation City

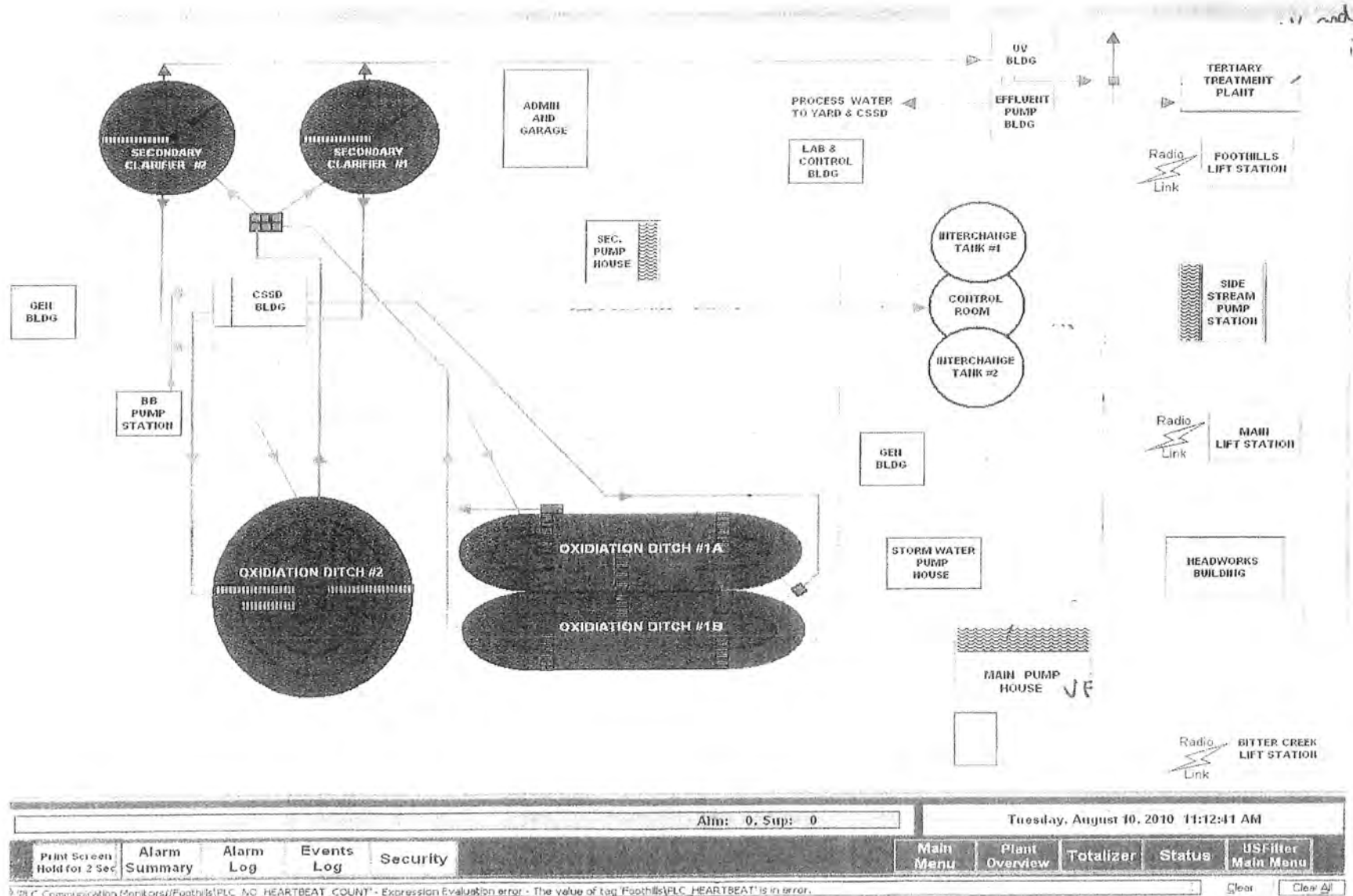


Figure 3 - City of Rock Springs POTW – Process Schematic Flow Diagram



Figure 4 - City of Rock Springs POTW - Aerial View

Section 3.0 – Resources – [40 CFR 403.8(f)(3)]

The City reported in the 2009 Annual Report that the Pretreatment program is staffed with an FTE equivalent of 1.6. The Pretreatment Coordinator and the Collections/Assistant Pretreatment Coordinator are directly responsible for the implementation of the Pretreatment regulations in the service area, including local limits/legal authority updates, industrial waste survey, tasks associated with the permitted facilities (permit writing, facility inspections, sampling, correspondence/communication, receipt of compliance reports, data evaluation, and enforcement) and implementation of the oil and grease program. The Pretreatment program also receives field support from the Collections department, industrial user inventory support from the Fire and Planning/Zoning departments, and legal support from the City Attorney's Office.

The City has an operating budget of \$86,000, according to the 2009 Annual Report. The program is funded from the City's Enterprise fund and also generates revenue from permit fees, sampling, and testing of industrial users. The Pretreatment program has two dedicated vehicles and adequate sampling and inspection equipment to implement the Pretreatment program. The City has one portable sampler and, according to information gathered during the audit, may propose to purchase a new sampler in CY 2010. EPA recommends the City purchase an additional portable sampler to provide additional capacity and flexibility during sampling activities in the service area.

The General Pretreatment Regulations found in 40 CFR 403.8(f)(3) state that the POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures of the Pretreatment program. Based on the evaluation of the City's Pretreatment program, it appears that the City has adequate resources and staff to implement the program in the service area. In addition, it appears that the City has adequate equipment to carry out the field duties of the program.

EPA strongly recommends the City continue to provide adequate resources for training to ensure the personnel are qualified and aware of the current regulations and policies, as required in the General Pretreatment Regulations. This includes personnel involved in the direct implementation and may involve personnel involved in supporting the City's Pretreatment program. There is a variety of Pretreatment training available, such as the annual EPA Region 8 Pretreatment Workshop. The Region 8 Pretreatment Workshop provides training sessions and networking opportunities with peers.

In addition, EPA recommends the City's Pretreatment program continue to develop and maintain a strong network with peers within Region 8 and utilize the Yahoo Pretreatment Coordinators group that is found at the following website: http://groups.yahoo.com/group/Pretreatment_Coordinators/. EPA strongly recommends participating in pretreatment training and utilizing peer perspectives to help identify programmatic areas of improvement and determine efficient methods to find solutions. This helps in building and maintaining a strong and effective local pretreatment program.

Action Items:

1. EPA recommends the City of Rock Springs purchase an additional portable sampler to provide additional capacity and flexibility during sampling activities in the service area.
2. EPA strongly recommends the City of Rock Springs continue to provide adequate resources for training to ensure the personnel are qualified and aware of the current regulations and policies, as required in the General Pretreatment Regulations.
3. In addition, EPA recommends the City's Pretreatment program continue to develop and maintain a strong network with peers within Region 8 and utilize the Yahoo Pretreatment Coordinators group.

Section 4.0 – City of Rock Springs Ordinance and Sewer Use Agreements – [40 CFR 403.8(f)(1)]

EPA approved the City's Pretreatment program, including its legal authority and local limits on September 1, 1989. According to records maintained by EPA, the City submitted updates to its legal authority in 1993, 1996, and 2002. The local limits were last updated in 1996.

4.1 – City Ordinance

The Pretreatment legal authority established by the City is found in Article 7-4, Plumbing and Sewer Code within the City's Municipal Ordinance. The City submitted their legal authority to EPA to review, prior to the audit. The City is required to update their legal authority to implement the Pretreatment Streamlining Regulations. Specific findings are found in Attachment 1 – City of Rock Springs Legal Authority Review. An overview of the items the City is required to update is identified in action item #1 of this section.

As discussed in more detail in Section 13.0 of this report, EPA strongly recommends the City strengthen its ordinance to include the authority to develop and implement BMP-based sector control programs. The City should update its ordinance to establish the general requirements of the sector control programs; such as programmatic elements, notification requirements for the affected point sources or IUs, and enforcement of the BMP Pretreatment Standards.

The EPA model Pretreatment Ordinance, January 2007, EPA-833-B-06-002 is provided as an attachment to this audit report. This model ordinance may act as a template for the City to evaluate during the updated of the legal authority. In addition, the EPA Region 8 policy for program modification submittals is attached to this audit report.

4.2 – Inter-Jurisdictional or Governmental Agreements

The City accepts wastewater from 2 outside jurisdictions located outside of its legal boundaries. The City maintains intergovernmental agreements (IGA) with the Clearview Improvement and White Mountain Water and Sewer Districts that were both updated in 2009. These IGAs adequately delegates authority to the City to implement the Pretreatment regulations.

Both IGAs have identical language and state in Section 8: “ The District agrees that the City of Rock Springs Special Projects and Programs Coordinator or any other duly authorized agents, officers, or employees of the City shall, in the same manner and to the same degree as with users within the City, enforce as against all persons using or discharging into the District’s system, all Federal, State or Local laws, ordinances, rules or regulations regarding the discharge, disposal and/or treatment or wastewater or wastes placed in the sanitary sewage collection system of the District which are ultimately delivered to the sanitary sewage collection and treatment system of the City...” It appears that the City has adequate authority to implement the Pretreatment Regulations for all IUs in its service area, including those discharging in outside jurisdictions.

Action Items:

1. The City of Rock Springs is required to update the Pretreatment legal authority found in Article 7-4 of the City’s Ordinance. Specific areas of the legal authority that should be updated are identified in the City of Rock Springs Legal Authority Review attached to this report and an overview is provided below:
 - a. The following sections of Article 7-4 of the city ordinance need to be updated or language added to align with Federal Regulations:
 - i. Definitions,
 - ii. General/Specific Prohibitions, including Pass-through and Fire/Explosion hazard,
 - iii. Establishing Best Management Practices as enforceable Pretreatment Standards,
 - iv. Require compliance with applicable pretreatment standards and requirements by industrial users,
 - v. Permit Conditions, including additional monitoring to be reported,
 - vi. Recordkeeping requirements,
 - vii. Right of Entry procedures,
 - viii. Confidential information.
2. EPA strongly recommends the City of Rock Springs strengthen its ordinance to include the authority to implement BMP-based sector control programs.

Section 5.0 – Local Limits – [40 CFR 403.8(f)(4)]

40 CFR 403.5(c)(1) of the General Pretreatment Regulations states that “Each POTW developing a POTW Pretreatment Program pursuant to §403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section [*general and specific prohibitions*]. Each POTW with an approved pretreatment program shall continue to **develop these limits as necessary** and effectively enforce such limits.” [*Clarification and Emphasis added*] These requirements are also listed in Part III, Section B(2) of the Rock Springs NPDES permit# WY-0022357, issued by the State of Wyoming.

As stated previously, the City last updated its local limits in 1996 and it appears, based on a review of local limit development records, that the local limits were based on a good data set, the standards current in 1996, and that the local limits development was technically based. However, the service area has changed and the City has been issued at least two NPDES permits from the State of Wyoming. The City is required to update their local limits based upon both an recent and adequate data set and the maximum loading of pollutants that can be accepted by their POTW, based on criteria established by their NPDES permit, biosolids regulations, worker health and safety, water quality standards, human health criteria, drinking water standards, and other local concerns.

Based on information gathered during the audit, the City is in the process of updating their local limits and has concerns with a certain pollutants of concern. It appears that the new calculations of local limits for pollutants of concern such as cadmium (Cd) and mercury (Hg) result in maximum available headworks loadings (MAHL) and maximum available industrial loadings (MAIL) that would require the City to designate the detection limit for these pollutants as the concentration-based local limit uniformly allocated to the significant industrial users. As discussed during the audit, EPA recommends the City evaluate alternative methods to allocate the MAIL in its service area.

Uniform concentration-based local limits are not the sole option for establishing limits in a municipality's service area. Local limits can be developed in many forms depending on how the MAIL is allocated to IUs in the service area. The City has the ability and flexibility to determine the best method of allocating the MAILs to the IUs in its service area, as long as the allocation procedure protects the calculated MAHL for this pollutant, prevents pass through and interference, and complies with the specific prohibitions in the General Pretreatment Regulations.

For example, the City may choose to allocate its MAIL as a mass loading to those SIUs that discharge that particular pollutant so that these IUs receive a more achievable limit. All other SIUs should then receive at least a background allocation for this pollutant. This may be a method the City could utilize to effectively allocate its MAIL without designating the detection limit for that pollutant as the uniformly concentration-based limit.

If the City pursues alternative allocations of its MAIL to its service area, then EPA recommends the City express the MAIL as the "local limit" and adopt ordinance language that provides the City authority to allocate the MAIL. Provided are two examples of recent allocation language recently approved by EPA:

1. "The city manager shall establish Maximum Allowable Industrial Loadings (MAILs) which are protective of the POTW, the receiving water and/or wastewater biosolids. MAILs shall be established in accordance with 40 C.F.R. § 403 and may evaluate loadings based on all applicable criteria including, but not limited to, biosolids regulations, NPDES permit requirements, in-stream water quality standards and designated stream uses. The city manager shall apportion MAILs to permitted significant industrial users within the users industrial discharge permit. Apportioned MAILs issued under industrial discharge permits shall be considered pretreatment standards, and as such are enforceable. The sum of all apportioned MAILs may not

exceed the total MAILs listed below. The city manager may assign additional limits as deemed necessary to be protective of the POTW.”

2. “These limits are the total pounds per day that can be accepted from all significant industrial users (SIU). The allocation of this poundage to each SIU shall be at the sole discretion of the City and the allocation shall be specified in the industrial wastewater discharge permit issued to that SIU.” (*Note: the limits referred to in this example are the expression of the calculated MAILs.*)

Action Items:

1. The City of Rock Springs is required to update their local limits based upon both an adequate data set and the maximum loading of pollutants that can be accepted by their POTW, based on criteria established by their NPDES permit, biosolids regulations, worker health and safety, water quality standards, human health criteria, drinking water standards, and other local concerns.
2. EPA recommends the City of Rock Springs evaluate alternative methods to allocate the MAIL in its service area.
3. If the City pursues alternative allocations of its MAIL to its service area, then EPA recommends the City express the MAIL as the “local limit” and adopt ordinance language that provides the City authority to allocate the MAIL. Examples of ordinance language are provided in this report.

Section 6.0 – Pretreatment Operating Procedures – [40 CFR 403.8(f)(2)]

6.1 – Background

40 CFR 403.8(f)(2) of the General Pretreatment Regulations states that “The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program.” The general Pretreatment regulations identify these minimum procedures in 403.8(f)(2)(i-viii) to include the following activities, summarized below:

- Identify and locate all possible IUs that might be subject to the Pretreatment program;
- Obtain information describing the character and volume of wastes discharged by IUs;
- Notify IUs of all applicable Pretreatment standards and other applicable State or Federal standards or requirements;
- Review self-monitoring reports and other notices submitted by IUs;
- Randomly sample and analyze effluents from SIUs;
- Evaluate whether each SIU needs a slug discharge control plan;
- Investigate instances of noncompliance with Pretreatment standards and requirements;
- Comply with public participation requirements.

6.2 – Standard Operating Procedures

The requirements listed in 403.8(f)(2) also includes the development of Standard Operating

Procedures (SOPs) and templates. Adequate and updated SOPs provide the following benefits to a Pretreatment program:

- Develop the baseline knowledge of the Pretreatment Regulations and establish the framework for program implementation,
- Ensure consistency in program implementation,
- Retain institutional and historical knowledge developed within the City's program, and
- Provide a valuable training resource for new or inexperienced staff members.

EPA evaluated the following procedural documents and templates:

- Industrial Waste Survey and Business License application,
- Wastewater discharge contribution permit and fact sheet templates,
- Permit application,
- Sampling and quality assurance plan, IU self sampling report form, and chain of custody,
- Enforcement Response Plan (ERP),
- Sump box regulations and procedural requirements,
- Fats, Oils and Grease (FOG) control regulations and procedural requirements.

It appears that these procedures developed by the City are adequate and provide a strong foundation for consistent implementation of the program. However, as described in more detail in Section 11.0 of this report, the ERP was developed in 1994 and appears to be out of date regarding citations and for the SNC definition. The City is required to update the SNC language and definitions contained within the ERP. In addition, the City will be required to update its legal authority and should also re-evaluate the procedures within the ERP to determine if these need to be revised. In addition, EPA recommends the City develop procedures for the Industrial User Inventory and Characterization (industrial waste survey process), permit writing process, facility inspections, and data/file management, including data evaluation.

Although the Sampling/QA plan and the ERP developed by the City provide adequate mechanisms under the current legal authority, the City failed to implement the enforcement and sampling programmatic elements, (as described in more detail in Section 8.0 – Control Mechanism Evaluation and Permit Specific Issues, Section 10.0 – Control Authority Compliance Monitoring, and Section 11.0 – Enforcement of this report). The City did not sample its permitted SIUs in 2008 nor has the City adequately enforced against permit violations since 2008, including SNC determinations. The City failed to implement the sampling (in 2008) and enforcement programmatic elements of the Pretreatment program. This is a significant deficiency of the City's Pretreatment program. In addition, sampling records for 2009 were unclear and incomplete in some areas.

6.3 – Wastewater Discharge Contribution Permit Template

The City has developed templates and forms for the wastewater discharge contribution permit, fact sheet, and permit application. These templates provide the City adequate

information and documents to utilize when developing a permit for an IU in its service area. A more detailed evaluation of these documents is provided in Section 8.0.

6.4 – Records and Data Management – [40 CFR 403.12(o)(1-3)]

The Pretreatment records are contained in 4 filing cabinets located in the Pretreatment Coordinator's office. The records appear to be well-organized, complete and were easily accessible to EPA during the audit. The Pretreatment records include files for permitted SIUs, waste haulers, industrial waste inventory/characterization, and other miscellaneous Pretreatment records.

The permitted SIU and IU records are kept in dedicated folders, organized alphabetically. The permitted records include general information for the facility including site map, permit and fact sheet, self-monitoring reports and control authority monitoring data, inspections, enforcement, correspondence, and ancillary records such as MSDS, slug control and toxic organic management plans (if deemed necessary by the City).

According to Mr. Conner, the data is manually evaluated for compliance. A checklist is used to determine compliance with limits during the evaluation of self-monitoring reports and data generated from control authority monitoring events. Based on EPA's review of the permit records, the City has failed to identify numerous violations of permit limitations and follow-up 24-hour notification/30-day re-sampling conditions. The City is required to evaluate and update its current data evaluation procedures and tools to ensure the City consistently identifies violations of permit limits and conditions.

In addition, the City is required to ensure that significant non-compliance (SNC) is evaluated on a consistent basis. EPA strongly recommends the City develop SNC procedures and ensure these procedures are determined consistently. As discussed in Section 11.0, EPA documented a facility that should be in SNC in 2010 based on non-compliance with permit limits and conditions; however, because the City failed to adequately evaluate for non-compliance and consistently determine SNC, this facility was not adequately identified.

6.5 – Receipt of Discharge Monitoring Reports – [40 CFR 403.8(f)(2)(iv)]

According to information gathered during the audit, it appears that the City is appropriately receiving, tracking and date stamping the self-monitoring compliance reports (SMR) from the permitted SIUs. Although, as stated previously, it does not appear that the information gathered in the SMR is appropriately evaluated for compliance.

6.6 – Management of Confidential Records – [40 CFR 403.14]

It did not appear that the City currently maintains confidential records for permitted facilities or other IUs in the service area.

Action Items:

1. The City of Rock Springs is required to update the SNC language and definitions contained within the Enforcement Response Plan. Note: this action item is also

contained in section 11.0 of this report.

2. EPA recommends the City of Rock Springs develop procedures for the Industrial User Inventory and Characterization (industrial waste survey process), permit writing process, facility inspections, and data/file management, including data evaluation.
3. The City of Rock Springs is required to evaluate and update its current data evaluation procedures and tools to ensure the City consistently identifies violations of permit limits and conditions.

Section 7.0 – Industrial User Inventory and Industrial User Characterization **[40 CFR 403.8(f)(2)(i)&(ii)]**

7.1 – Regulatory Background

The General Pretreatment Regulations state in 403.8(f)(2)(i-iii) that a POTW shall develop and implement procedures to ensure compliance with requirements of a Pretreatment Program. These requirements can be summarized as follows:

- i. “Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request.” ***This requires the City to develop and maintain an inventory of IUs in the service area.***
- ii. “Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request.” ***This requires the City to characterize the IUs in the inventory of the service area.***
- iii. “Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.” ***These procedures must include the notification of IUs of applicable Pretreatment Standards and other applicable requirements.***

The Industrial Waste Inventory and Industrial User Characterization or industrial waste survey procedures are an important component to an effective Pretreatment program because this is the City’s first exposure to the IUs, allows the City to determine if an IU is significant, notify the IU of its status under the Pretreatment regulations, and determine the appropriate type of control mechanisms for these facilities to protect the POTW and collection system.

In addition, 40 CFR 403.12(i)(1) of the General Pretreatment regulations require that programs maintain the IU inventory that contain information that provides the IU’s status under the Pretreatment program. 403.12(i)(1) states that a program shall maintain: “An updated list of the POTW’s Industrial Users, including their names and addresses, or a list of

deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which Industrial Users are subject to categorical Pretreatment Standards and specify which Standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local standards that are more stringent than the categorical Pretreatment Standards. The POTW shall also list the Industrial Users that are subject only to local Requirements. The list must also identify Industrial Users subject to categorical Pretreatment Standards that are subject to reduced reporting requirements under paragraph (e)(3), and identify which Industrial Users are Non-Significant Categorical Industrial Users.”

7.2 – Audit Findings

It appears that the City has a thorough knowledge of its service area. The paperwork for the IUs reviewed during the audit was present and complete. In addition, Mr. Conner and Mr. Leum had significant knowledge of the IUs in the City’s service area during the interview; review of Pretreatment records, and during facility inspections of the service area.

The City has established a good working relationship with the business development and licensing department to evaluate new and existing facilities for further investigation regarding the applicability of the Pretreatment regulations. The City also works closely with the Collection department to determine problems in the service area that may be attributed to process wastewater from non-domestic sources. For example, the lift stations within the service area are checked daily by the Collections department for unusual conditions, such as petroleum odors/vapors. Mr. Leum, Assistant Pretreatment Coordinator, also works in the Collections department.

The City also utilizes the City phone book, information from the fire department and building permit inspectors, and a survey mailed by the Pretreatment program every 3 to 5 years to provide current information or to trigger facility inspections for IUs in its service area. It also appears that the City strives to inspect each facility at least once every 5 years. This allows the City to gather information about the facility and provide outreach.

Although it appears that the City adequately evaluates new and existing IUs in its service area, the City does not maintain an inventory, spreadsheet or some other form of “database” to compile the IU information currently on file in the permit records. 40 CFR 403.8(f)(2)(i) of the General Pretreatment Regulations requires the City to compile the industrial user information into a list, inventory or database. In addition, 403.12(i)(1) require an updated list to be included in the annual report, including IUs subject to local or categorical Pretreatment standards and justification for non-SIUs. Although, Region 8 does not require the complete IU inventory to be included in the annual report, it is required to have this updated and available during audits.

The City is required to compile its IU information, including characterization/categorization of the IUs, into an inventory. This information should include the type of business and its status under the Pretreatment program. The characterization information should include the applicable Pretreatment regulations that apply to the IU such as categorical Pretreatment Standards (CIUs), local limits (SIUs), BMPs (sector control programs such as oil and grease

or sand traps) or non-significant IUs. This information will ensure the IU inventory is in compliance with the requirements of 403.12(i)(1). The inventory could be paper, spreadsheet or some other form of database that is accessible to EPA and provides an overview of the IUs in the City's service area.

It may not be feasible for the City to inspect all of the IUs in the service area to gather information; however, many IUs may be characterized by drive-by inspections and paper surveys, such as banks and retail facilities that do not generate industrial process wastewater. Certain IUs may need additional information that should be gathered by facility inspections such as machine shops or manufacturing facilities that do not provide meaningful information on the survey.

EPA recommends the City develop criteria for "sectors of concern" or "IUs of concern" within the IU inventory. These businesses or sectors may be priority facilities that the City would ensure information is gathered on a more frequent basis to update information on the IU inventory and to determine the significance of the IU based on the factors such as, but not limited to, spill/slug discharge potential, characteristics of process wastewater discharge, reasonable potential for violating any Pretreatment Standard/Requirement, or adversely affecting the POTW's operation. For example, EPA recommends machine shops are included as a sector of concern because of the potential for these facilities to incorporate paint preparation or metal finishing operations that will change their status under the Pretreatment program. The City may also have local considerations for determining other sectors or businesses of concern. These procedures will ensure the City adequately utilizes its resources to maintain the IU inventory while adequately determining SIUs located within its service area.

An important component of facility inspections, whether part of the SIU annual inspection or initial inspections to characterize facilities on the IU inventory, is that the Pretreatment program notify the IU of its status within the Pretreatment program, as required in 40 CFR 403.8(f)(2)(iii). EPA recommends every facility inspection be followed up with a letter summarizing the findings of the inspection and notifying the IU of its status under the Pretreatment program. In addition, the follow up letter should require the IU to notify the City for a reclassification should their process(es) change. This will require the IU to be responsible for notification of process changes and will help the City keep current regarding discharges of significant processes wastewater within its service area that may need to be controlled. The follow up letter may also be used to provide outreach to the facility.

As stated previously in Section 6.0, EPA strongly recommends the City develop procedures for the industrial user inventory and characterization of its service area, including procedures to develop an inventory, characterize and notify industrial users on the inventory and maintenance to ensure information on the IUs is current. These procedures should also identify methods to identify new IUs to the service area and existing IUs that change processes.

7.2 – H₂S levels at the POTW

EPA is concerned with the significant H₂S levels experienced at the POTW and the impact to

worker health and safety and plant performance. Based on information gathered during the audit, the City believes that these H₂S levels at the POTW are a result of increased jet cleaning of the collection system in the service area. However, the City should not eliminate the potential contributions of industrial users in the service area, especially with the type of industry present in the service area of the City. The City is required to re-evaluate its industrial user inventory to determine any potential IU contributors to the significant H₂S levels currently found at the POTW.

Action Items:

1. The City of Rock Springs is required to compile its IU information, including characterization/categorization of the IUs, into an inventory. This information should include the type of business and its status under the Pretreatment program. The inventory could be paper, spreadsheet or some other form of database that is accessible to EPA and provides an overview of the IUs in the City's service area.
2. EPA recommends the City of Rock Springs develop criteria for "sectors of concern" or "IUs of concern" within the IU inventory. These businesses or sectors would be priority facilities that the City would ensure information is gathered on a more frequent basis to update information on the IU inventory and to determine the significance of the IU based on the factors such as, but not limited to, spill/slug discharge potential, characteristics of process wastewater discharge, reasonable potential for violating any Pretreatment Standard/Requirement, or adversely affecting the POTW's operation.
3. EPA recommends every facility inspection be followed up with a letter summarizing the findings of the inspection and notifying the IU of its status under the Pretreatment program. In addition, the follow up letter should require the IU to notify the City for a reclassification should their process(es) change.
4. EPA strongly recommends the City of Rock Springs develop procedures for the industrial user inventory and characterization of its service area, including procedures to develop an inventory, characterize and notify industrial users on the inventory and maintenance to ensure information on the IUs is current. These procedures should also identify methods to identify new IUs to the service area and existing IUs that change processes.
5. The City of Rock Springs is required to re-evaluate its industrial user inventory to determine any potential IU contributors to the significant H₂S levels currently found at the POTW.

Section 8.0 – Control Mechanism (Permit) Evaluation and Permit Specific Issues – [40 CFR 403.8(f)(1)(iii)]

The City has developed templates for the wastewater contribution discharge permit, fact sheet outline, and permit application. These templates provide the City a good framework when developing specific permits for SIUs in the service area.

8.1 – Permit Application Overview

According to Article 7-403, sections 8-03 and 15-02 of the City Ordinance, the IUs required to obtain a wastewater contribution permit shall complete and file an application in the form prescribed by the City at least 90 days prior to connection to the sanitary sewer (new users) or within 90 days of current permit expiration (existing permitted users). The information included in the permit application form provides the City adequate information to characterize the IU's process and determine the appropriate regulatory control and permit conditions/limits. The permit application provides detailed information for the following:

- General business information, including contact information.
- Facility information, including a site layout.
- Business and Process information
 - Water supply, Raw Materials and Storage, including handling and transfer information.
 - Process and Operational Activities, including schematic diagrams.
 - Liquid and solid wastes generated from the process(es).
 - Management of the wastestreams, including treatment with schematic diagrams.
 - Waste storage, handling, and transfer descriptions
- Wastewater Discharge Information
- Requirement to evaluate and update, if necessary, the accidental discharge prevention, slug discharge control, toxic organic management plans.
- Non-discharged wastes, and
- Signatory requirements.

8.2 – Statement of Basis (Permit Rationale) Overview

The outline or fact sheet template contains for the fact sheet appears to be an adequate framework to include information necessary to identify the applicable federal and local Pretreatment standards and justify the permit conditions and limitations. The permit writer is able to include information about the SIU including contact information, description of process or operations, wastestreams generated and management of these wastestreams. The fact sheet template requires the permit writer to determine the basis for the applicable Pretreatment Standard(s), permit limits, pollutants of concern, sample type and frequency and other special conditions or requirements.

Although the fact sheet template is a comprehensive document, the fact sheets for the specific SIUs can be further strengthened by the addition of photos taken during facility inspections. Photos help to supplement the fact sheet by providing additional information that may not be captured in the narrative descriptions. EPA recommends the City incorporate photos of the facility in these fact sheets to further strengthen the document. Enclosed to this audit report is the Digital Camera Guidance for EPA Civil Investigations and Inspections dated July 2006; EPA-305-F-06-002 to provide additional guidance to the City regarding the use of digital photos.

8.3 – Permits Overview

The City has developed a permit template that is adequate with the following exceptions:

- The permit template states in Part III, 4(F) that a late report is a significant noncompliance violation subject to administrative penalties and possible escalating enforcement actions for each day the report is late. However, the ordinance, Article 7-403, section 27-02(f) states that an SNC criteria is a report that is 30 days late or past its due date. The City is required to correct this permit condition in the permit template.
- The permit template does not require the permitted SIU to sign and date the IU Self Sampling Reporting Form as a permit condition. The City needs to ensure signature and date of the self-monitoring report are included as permit reporting conditions.
- The City is required to ensure the reporting certification statement contained in the IU Self Sampling Reporting Form and required in the permit template is equivalent to the statement found in 403.6(a)(2)(ii) of the General Pretreatment regulations.

The City has identified 3 facilities as significant under the Pretreatment Regulations based on their contribution of process wastewater to the POTW. In addition, the City has permitted 7 other non-SIUs. Each of these facilities is controlled by an individual permit control mechanism.

8.4 – Specific Permit Record Findings

The records for five (5) permitted SIUs or IUs were reviewed during the audit. Findings from the permit evaluation and records review are included in the following sections of this audit report:

8.4.1 – Permit Records Overview

- A general finding based on the evaluation of the permitted records is that the permits issued to the SIUs and IUs are signed by Mr. Randy Conner, Pretreatment Coordinator. It appears that Mr. Mike Gaviotis, POTW Superintendent is the authorized signatory for the NPDES discharge monitoring reports and the Pretreatment Annual Report. EPA does not have records that have delegated the authority to sign permits to the Pretreatment Coordinator. The City is required to ensure the issued Pretreatment permits are signed by the authorized signatory with the proper delegation.

8.4.2 – Tri-Mac Transportation

- EPA strongly recommends a fact sheet for this facility be developed by the Pretreatment program. As discussed in this section, the fact sheet contains information necessary to identify the applicable federal and local Pretreatment standards and justify the permit conditions and limitations.
- The permit application is not date stamped. The City is required to ensure that all documents are date stamped or a record of receipt is included. This is important to determine if the permitted SIUs or IUs met the applicable reporting requirements and deadlines.

- Based on the review of the permit records, there were 17 violations from 2009-2010 not addressed by the City. As discussed during the audit, the failure to enforce these Pretreatment Standards is a significant failure to implement the Pretreatment Regulations. The City is required to ensure all violations of permit conditions are identified and appropriately responded to, as required in the City's Enforcement Response Plan. These violations were for the following:
 - Late reporting
 - Parameter violations
 - Failure to report violations within 24 hours
 - Failure to provide 5 day report of violations (permit condition)
 - Failure to appropriately resample within 30 days.

8.4.3 –Sweetwater County Hospital

- The fact sheet/rationale for the permit dated September 14, 2004 states that the facility has been downgraded to a permitted IU because of flow; however, the facility is reported as an SIU on the Annual Report.
- The permit indicated a slug control plan was developed for the facility, however, no document was found in the permit records.
- The City is required to evaluate the appropriate enforcement, as required in the enforcement response plan for the following situations:
 - The permit expired on May 19, 2010 and has not been administratively extended by the City. The facility failed to submit a permit application and is discharging without a valid permit, which EPA considers to be significant violations.
 - The facility is required by permit to sample for BTEX, oil and grease, and total petroleum hydrocarbons twice a year; however, there was no data for self-monitoring of these pollutants in 2009. The facility failed to sample for these pollutants. EPA did not find evidence of an enforcement response.
 - The facility submitted a late report on April 13, 2009 after the report deadline of April 10, 2009, in violation of permit conditions. EPA did not find evidence of an enforcement response.
 - The facility has a chloride violation on March 24, 2009 with a sample of result of 10,200 mg/L. The permit limit was 5,281 mg/L. There was one other chloride sample collected during the six month time period of the 4th quarter of 2008 and the 1st quarter of 2009, which was below the permit limit. This resulted in the facility being in significant non-compliance for the TRC criteria [40 CFR 403.8(f)(2)(viii)(B)]. In addition, the facility failed to provide 24 hour notice of violations, as required in the permit.

EPA did not find records of SNC or enforcement follow up.

8.4.4 – Weatherford

- The facility had a copper violation on June 3, 2009. The sample result was 1.57 mg/L and the permit limit is 1.06 mg/L. EPA found no documentation that the facility reported this violation within 24 hours or submitted a written report within 5 days, all violations of permit conditions. There was documentation of a phone call on July 27, 2009 documenting a copper re-sampling event on July 21, 2009, the results of which were below the permit limit at 0.16 mg/L. This was also documented in a September 8, 2009 letter from Weatherford. EPA did not find records of follow up enforcement by the City. The City is required to evaluate the appropriate enforcement for violations of these permit conditions, as required in the enforcement response plan.
- A December 23, 2009 self-monitoring sample for total petroleum hydrocarbons (TPH) was collected in a plastic container, which is not in conformance with 40 CFR Part 136 methods, a condition of the permit. EPA found no records indicating that Weatherford documented the sample time or sample type (grab or composite). The City is required update its procedure for reviewing self-monitoring reports to evaluate self-monitoring records for conformance with permit conditions.

8.4.4 – Haliburton Energy Services

- Haliburton had a violation for late submittal of its required self monitoring report for September, 2009. Haliburton collected samples on August 20, 2009, however the sample results were not provided to the City until October 2, 2009. The City had not identified the submittal as a violation of the reporting requirements. The City is required to evaluate the appropriate enforcement for violations of these permit conditions, as required in the enforcement response plan

8.4.4 – Terracon RS-3

- The facility failed to provide lab certification in the self monitoring reports dated January 9, 2010 and October 9, 2009, which is a reporting violation of the permit. The City is required to evaluate the appropriate enforcement for this reporting violation, as required in the enforcement response plan.
- The Terracon RS-3 permit establishes an LEL Limit of 5%. This permit limit is not adopted into the City's municipal ordinance. The City is required to ensure that permit-specific limits follow the same public notice and Approval Authority notification as local limits established in the municipal ordinance. These procedures will ensure the any limits incorporated or established in a permit are legally enforceable.

Action Items:

1. EPA recommends the City of Rock Springs incorporate photos of facilities in the developed fact sheets to further strengthen the document.
2. The City of Rock Springs is required to correct the following deficiencies on the permit template:
 - a. The permit template incorrectly states in Part III, 4(F) that a late report is a significant noncompliance violation subject to administrative penalties and possible escalating enforcement actions for each day the report is late. However, the ordinance, Article 7-403, section 27-02(f) states that an SNC criteria is a report that is 30 days late or past its due date. The City of Rock Springs is required to correct this permit condition in the permit template.
 - b. The permit template does not require the permitted SIU to sign and date the IU Self Sampling Reporting Form as a permit condition. The City of Rock Springs needs to ensure signature and date of the self-monitoring report are included as permit reporting conditions.
 - c. The City of Rock Springs is required to ensure the reporting certification statement contained in the IU Self Sampling Reporting Form and required in the permit template is equivalent to the statement found in 403.6(a)(2)(ii) of the General Pretreatment regulations.
3. The City of Rock Springs is required to ensure the issued Pretreatment permits are signed by the authorized signatory with the proper delegation.
4. The City of Rock Springs is required to address the action items identified in Section 8.4 for the permitted facilities.

Section 9.0 –Significant Industrial User Facility Inspections

[40 CFR 403.8(f)(2)(v)]

9.1 – File Review

Based on the review of the Pretreatment records, it appears that the City is inspecting the permitted facilities (SIUs and IUs) on an annual frequency, as required in 403.8(f)(2)(v) of the General Pretreatment Regulations. Inspection records were found for all permitted facilities reviewed during the audit. The inspections reports are well developed and adequately provide information to characterize the facility, however, the City is required to ensure the completed inspection reports are consistently signed and dated.

As discussed in Section 8.2 for the fact sheets, EPA recommends the City use a camera to document observations and evidence gathered during the facility inspection to supplement the inspection reports. It appears that the City is completing the inspection report in a timely manner and providing adequate follow up to the IU with a letter

9.2 – Facility Inspections

Three permitted SIUs were inspected during the audit. The on-site visits and interviews indicated that the City is knowledgeable about the facility, processes and regulated wastestreams and it appears that the permit adequately reflects the conditions at the facility.

In addition, it appears that the facility personnel were familiar with the City's Pretreatment program and its permit conditions and limitations, with the exception of Weatherford. There appeared to be a professional and good working relationship between the City and the permitted facilities.

The following items were identified as concerns during the facility inspections:

9.2.1 – Weatherford

- The personnel during the facility inspection were not aware of the permit conditions and limitations and showed a general lack of understanding regarding compliance with the existing Pretreatment permit.
- The parts washer and antifreeze supply were not spill contained and there were evidence of spills. Spills from these locations enter the trench drain leading to the waste treatment system. The City is required to evaluate the spill containment of these locations and require the facility to provide appropriate spill containment equipment or measures.
- During the inspection, the hoses from the wastewater treatment system were significantly leaking and there was evidence of a significant lack of proper operations and maintenance of the system. The City is required to evaluate this lack of proper operations and maintenance and determine the appropriate enforcement response, if necessary.

9.2.2 – Haliburton

- EPA recommends the City evaluate the discharges generated from explosive building (located on the southwest side of the property) and determine if these are significant.

9.2.3 –Tri-Mac Transportation

- No issues identified

Action Items:

1. The City of Rock Springs is required to ensure the completed inspection reports are consistently signed and dated.
2. The City of Rock Springs is required to address the action items identified in Section 9.2 for the facilities inspected during the audit.

Section 10.0 –Control Authority Compliance Monitoring **[40 CFR 403.8(f)(2)(v)]**

The City has developed a Sampling/Quality Assurance (QA) plan that establishes a good general framework for sampling SIUs and IUs in its service area. The Sampling/QA plan provides an overview of sampling techniques, operation and maintenance (including

cleaning) of sampling equipment, use of automatic samplers, documentation and chain of custody, sample preservation, and quality control.

The following sampling deficiencies were identified at the following permitted facilities:

10.1 – Control Authority Compliance Monitoring Overview

- For samples collected by the City in 2009, there was unclear documentation on the chain-of-custody. All samples were marked as being unfiltered/unpreserved and unfiltered/preserved.

10.2 – Sweetwater County Hospital

- For samples collected by the City, sampling types at Sweetwater County Hospital appear to be different than those required by permit. The City should collect the same type of sample as required in the permit. The permit requires composite samples for BOD, TSS, chloride, and metals, which would be representative of the discharge, but during the April 21, 2009 sampling event, grab samples were collected.

10.3 – Weatherford

- Monitoring of the Weatherford discharge by the City on July 15, 2009 had incomplete documentation on the chain-of-custody. Beryllium, selenium, and zinc were analyzed from this sampling event according to laboratory records, but these metals were not indicated on the chain-of-custody.

The City is required to update sampling procedures to create adequate sampling records. A separate COC is recommended for each facility, and separate lines on the COC are recommended for each sample bottle collected. This will enable clear records to be kept for each sample collected.

EPA recommends the City develop sampling protocols specific to each permitted facility to ensure the sampling is representative of the production day's discharge and the sampling techniques are consistently implemented during every sampling event. The protocol should identify facility specific information, such as what type of sample (grab or composite) is appropriate for each sample. Each permitted facility utilizes different management and treatment techniques for wastewater generated from its regulated processes. This could result in different discharge practices from the permitted facilities. 40 CFR 403.12(g)(3) of the General Pretreatment Regulations require "The reports ...must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period." The development of these facility-specific sampling protocols will strengthen the Sampling/QA plan.

Although the Sampling/QA plan and the ERP developed by the City provide a good general framework, the City did not sample its permitted SIUs and IUs in 2008. 40 CFR 403.8(f)(2)(v) of the General Pretreatment Regulations require an approved Pretreatment program to "Randomly sample and analyze the effluent from Industrial Users and conduct

surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and **sample the effluent from each Significant Industrial User at least once a year."** [emphasis added]

With the exception of items noted above for each permitted facility, the City appears to have adequately sampled its facilities in 2009 and 2010; however, the failure to sample its permitted SIUs in 2008 to identify non-compliance with Pretreatment Standards, independent of information supplied by IUs, is a significant deficiency and failure to implement the Pretreatment Regulations. In addition, the City is required to ensure the control authority sampling events are adequately documented and records maintained. EPA strongly recommends the City utilize a bound and numbered field book to document sampling events, field data, and comments generated from the sampling event. Consistent and appropriate sampling techniques, quality assurance, and adequate documentation during all components of sampling and analysis will ensure the data generated is legally-defensible.

Action Items:

1. EPA recommends the City of Rock Springs develop sampling protocols specific to each permitted facility to ensure the sampling is representative of the production day's discharge and the sampling techniques are consistently implemented with every sampling event.
2. The City of Rock Springs did not sample its permitted SIUs in 2008. The failure to sample its permitted SIUs in 2008 to identify non-compliance with Pretreatment Standards, independent of information supplied by IUs, is a significant deficiency and failure to implement the Pretreatment Regulations.
3. The City of Rock Springs is required to evaluate and update its current authority sampling procedures to ensure sampling of SIUs is conducted on at least an annual basis, as required in 40 CFR 403.8(f)(2)(v), and so that sampling records, specifically chain-of-custody (COC) records, are clear and complete. EPA recommends a separate COC be used for each facility sampled and a separate be line used on the COC for each sample bottle collected. This will enable clear records to be kept for each sample collected.
4. The City of Rock Springs is required to ensure the control authority sampling events are adequately documented. The City is required to update sampling procedures to create adequate sampling records. EPA strongly recommends the City utilize a bound and numbered field book to document sampling events and field data and comments generated from the sampling event.

Section 11.0 – Enforcement – [40 CFR 403.8(f)(5)]

11.1 – Enforcement Response Plan

The City has developed an Enforcement Response Plan (ERP) that addresses violations of the permit and municipal ordinance. The ERP appears to have appropriate procedures in

place for identifying and responding to violations, as required in *40 CFR 403.8(f)(5)*. EPA also evaluated the enforcement authority found in Sections 22-26 of the municipal ordinance. The City has incorporated the ERP in Section 22 and has developed the appropriate authority and tools to enforce the Pretreatment program, including administrative penalty authority of \$1,000 per violation per day. Based on the evaluation of the ERP and ordinance, it appears that the enforcement remedies and authorities in the ERP are adequately established in the municipal ordinance.

However, it appears that the ERP was last updated in 1994. The City is required to update the definition of SNC and SNC criteria within the ERP. In addition, the City should re-evaluate the procedures within the ERP when the municipal ordinance is updated.

11.2 – SNC Calculations and Public Participation [*40 CFR 403.8(f)(2)(viii)*]

Based on information gathered during the audit, the City performs SNC calculations on an as-needed basis; however, EPA could not find records for SNC determinations. EPA determined that Tri-Mac Transportation is in SNC for the 1st and 2nd quarter of 2010 for cadmium violations and a failure to sample for hexavalent chromium. In addition, EPA has determined that Sweetwater County Hospital is in SNC for TRC in the 1st quarter of 2009 because of chloride violations.

As discussed in section 6.4 of this report, it appears that the City is not adequately identifying violations of permit limits and conditions during evaluation of data generated from self-monitoring reports and control authority monitoring. It also appears that this failure to identify violations also affects determination of SNC. The City is required to ensure that SNC calculations are performed consistently and permitted facilities in SNC are appropriately enforced, as required in the ERP. The City is required to develop SNC procedures per *40 CFR 403.8(f)(viii)* and ensure these procedures are determined consistently such that they include at least an annual provision for SNC publication.

Action Items:

1. The City of Rock Springs is required to update the definition of SNC and SNC criteria within the ERP. In addition, the City should re-evaluate the procedures within the ERP when the municipal ordinance is updated.
2. The City of Rock Springs is required to ensure that SNC calculations are performed consistently and permitted facilities in SNC are appropriately enforced, as required in the ERP. The City is required to develop SNC procedures per *40 CFR 403.8(f)(viii)* and ensure these procedures are determined consistently such that they include at least an annual provision for SNC publication.

Section 12.0 – Trucked and Hauled Waste – [*40 CFR 403.5 (b)(8)*]

12.1 – Authority in Municipal Ordinance

Article 7-4, section 4-02(o) of the City's Ordinance has the following prohibition for trucked and hauled waste: "Trucked or hauled pollutants, except as designated and at discharge points

designated by the POTW.” There are no other specific requirements for acceptance of hauled waste. EPA recommends the City evaluate the need to incorporate specific requirements such as permitting, waste manifests, designation of specific discharge sites, reports, etc., for the trucked/hauled waste sector into its ordinance.

The City accepts domestic RV wastes, septic and porta-potty waste from commercial waste haulers, and grease loads from the food service establishments in the service area. The RV waste disposal site is located outside the gates (see Figure 4) and is recorded by a mounted camera. The City randomly samples the discharged loads to evaluate the quality of the wastewater. EPA recommends the City periodically review the camera recordings of the RV disposal site to ensure adequate usage.

The hauled domestic septic and porta-potty waste is discharged to the POTW at the designated disposal site located within the POTW fenced area and near the Headworks building (Figure 4).

The City permits 4 waste haulers and requires these facilities to provide receipts/waste manifest for each load discharged at the POTW. The permits are issued for 2 to 3 years. The domestic waste discharge point is piped to the Headworks building. The grease loads accepted at the POTW are unloaded into grease beds located near the front gates. These grease loads are allowed to dry.

Action Items:

1. EPA recommends the City evaluate the need to incorporate specific requirements, such as permitting, waste manifests, designation of specific discharge sites, reports, etc., for the trucked/hauled waste sector into its ordinance.
2. EPA recommends the City periodically review the camera recordings of the RV disposal site to ensure adequate usage.

Section 13.0 – Best Management Practices – Sector Control Programs – [40 CFR 403.3(e) and 403.5(c)(4)]

Best Management Practices (BMP) are defined in 403.3(e) as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) **[General Prohibitions]** and (b) **[Specific Prohibitions]**. **[Emphasis added]** BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. 40 CFR 403.5(c)(4) states that “POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) **[develop limits to implement the general/specific prohibitions]** and (c)(2) **[develop and enforce specific effluent limits for industrial users that contribute pollutants that may result in Interference and Pass-Through]** of this section. **[Emphasis added]** Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.” The regulations establish that BMPs are enforceable Pretreatment Standards.

The City has developed and implemented a sector control program, based on BMPs, to control oil and grease loadings from both grease interceptors and sand interceptors/sumps. It

appears that the establishment of this program has allowed the City to reduce the loadings of these pollutants by implementing BMPs appropriate for the contributing facilities in this sector. However, EPA strongly recommends the City remove language in 3-08(9)(c) that requests these facilities to voluntarily meet the requirements. During the update of the ordinance, the City should make these requirements mandatory to ensure this program is enforceable and effectively reduces the loadings of fats, oils and greases.

In addition, EPA recommends the City adopt the general requirement to establish BMP-based sector control programs in its Ordinance. The general requirements provide the authority to establish the program(s) and programmatic elements, establishes requirements for the IU to notify the City, and establishes these BMPs as enforceable Pretreatment Standards. The general requirements may refer to an implementing policy for specific BMP-based requirements for the program. This ordinance language is applicable to the current oil and grease control program in place at the City and could be used for future control programs for automotive sand interceptors (petroleum oil and grease), x-ray and photo developing (silver), dental facilities (mercury), etc, if needed.

In general, BMP-based sector control programs are based on the following BMPs:

- Requirement to install the appropriate treatment technology,
- Requirement to ensure the treatment technology is appropriately sized for the point source,
- Requirement to appropriately operate and maintain the treatment technology, and
- Requirement to maintain records documenting the operation/maintenance of the treatment technology.

This method of strengthening the BMP sector control programs provides the City the authority to control a large number of non-SIUs and also provides flexibility to change specific requirements within the implementing policies. These programs do not require individual permits for these non-SIUs, thereby providing efficient use of the City's resources.

EPA can provide the City examples of BMP-based sector control ordinance language, if the City requests this compliance assistance.

Action Items:

1. EPA strongly recommends the City of Rock Springs remove language in 3-08(9)(c) that requests these facilities voluntarily meet the requirements. During the update of the ordinance, the City should make these requirements mandatory to ensure this program is enforceable and effectively reduces the loadings of fats, oils and greases.
2. EPA recommends the City adopt general requirement to establish BMP-based sector control programs in its Ordinance. The general requirements provide the authority to establish the program(s) and programmatic elements, establishes requirements for the IU to notify the City, and establishes these BMPs as enforceable Pretreatment Standards. The general requirements may refer to an implementing policy for specific BMP-based requirements for the program. In general, BMP-based sector control programs are based on the following BMPs:
 - a. Requirement to install the appropriate treatment technology,

- b. Requirement to ensure the treatment technology is appropriately sized for the point source.
- c. Requirement to appropriately operate and maintain the treatment technology.
- d. Requirement to maintain records documenting the operation/maintenance of the treatment technology.